

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Case No. 17-23732-GLT
	:	
DAVID MATTHEW WETZEL	:	Related to Dkt. No. 47
PENNY LYNN WETZEL	:	
	:	
<i>Debtors.</i>	:	Hearing: June 28, 2018 at 11:00 a.m.
	:	

**ORDER CONVERTING CASE UNDER CHAPTER 13 TO
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Debtors orally motioned to convert their chapter 13 case in accordance with 11 U.S.C. §1307(a) to a case under chapter 7 of title 11 of the U.S. Code.

Based upon the foregoing, it hereby is **ORDERED, ADJUDGED, and DECREED** that:

1. On or before **June 6, 2018**, any party-in-interest who challenges the good faith of the conversion shall file a motion setting forth the basis of the challenge and specifically identifying the relief requested.
2. The wage attachments issued in this case are immediately terminated. The Debtors shall serve a copy of this order on the employers.
3. On or before **May 22, 2018**, the Debtors shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion as required by FED. R. BANKR. P. 1019(5)(B)(i).
4. On or before **May 22, 2018**, the Debtors shall file the statements and schedules required by FED. R. BANKR. P. 1019(1)(A) and 1007(b), if such documents have not already been filed.
5. On or before **June 7, 2018**, the Debtor[select/delete: s] shall file a statement of intention with respect to the retention or surrender of estate property securing a debt, as required by 11 U.S.C. §521(a)(2) and FED. R. BANKR. P. 1019(1)(B) and conforming to Official Form 8.
6. The chapter 13 trustee shall immediately turn over to the chapter 7 trustee all records and property of the estate remaining in her custody and control, as required by FED. R. BANKR. P. 1019(4), except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor[select/delete: s].

7. On or before **July 9, 2018**, the chapter 13 trustee shall file an accounting of all receipts and distributions made using UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account. Once she has done so, the chapter 13 trustee is discharged from her duties in this case. The Court retains jurisdiction over the final report and account.
8. If the case is converted after the confirmation of a plan, then on or before **June 7, 2018**, the Debtors shall file:
 - a. A schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(i);
 - b. A schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, as required by FED. R. BANKR. P. 1019(5)(C)(ii); and
 - c. A schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(iii).

The schedule of claimants under subsection (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the FED. R. BANKR. P. 1019 Report.

9. If the Debtors fail to timely file the documents required by this *Order* and FED. R. BANKR. P. 1019, a status conference shall be held on **June 28, 2018 at 11:00 a.m.**, in Courtroom A, 54th Fl., U.S. Steel Tower, 600 Grant St., Pittsburgh, Pa. 15219 to determine whether additional measures are necessary to compel compliance.
10. The Clerk of Court shall send the notice required by FED. R. BANKR. P. 1019(6). If the report and schedules per paragraphs 3, 8(b), and 8(c) of this *Order* are filed in time for the Clerk to include postpetition creditors in the § 341 notice mailing, the Clerk shall include them in that mailing. Otherwise, the Clerk shall send the notice required by FED. R. BANKR. P. 1019(6) **within ten days of the filing of the report and schedules**.
11. On or before **June 22, 2018**, all chapter 13 fee petitions by any professional shall be filed. Any fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and its hearing shall be self-scheduled on Judge Taddonio's chapter 13 motions calendar.

12. On or before **May 15, 2018**, counsel for the Debtors shall serve a copy of this *Order* on all creditors in the case and file a Certificate of Service.

Dated: May 8, 2018



GREGORY J. TADDONIO **cgt**
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:
Debtors
Debtors' Counsel
Ronda J. Winnecour, Esq.
Office of the U.S. Trustee

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
David Matthew Wetzel
Penny Lynn Wetzel
Debtors

Case No. 17-23732-GLT
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dkam
Form ID: pdf900

Page 1 of 1
Total Noticed: 3

Date Rcvd: May 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 10, 2018.

db +David Matthew Wetzel, 796 Baird Avenue, Washington, PA 15301-5408
jdb +Penny Lynn Wetzel, 784 Findley Street, Washington, PA 15301-5316
+Ronda J. Winnecour, Esq, Suite 3250, USX Tower, 600 Grant Street,
Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 8, 2018 at the address(es) listed below:

Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
agilbert@tuckerlaw.com;cabbott@tuckerlaw.com;dparanay@tuckerlaw.com
James Warmbrodt on behalf of Creditor Harley-Davidson Credit Corp bkgroup@kmlawgroup.com
James R. Wood on behalf of Creditor Washington-East Washington Joint Authority
jwood@portnoffonline.com, jwood@ecf.inforuptcy.com
Jeffrey J. Sikirica on behalf of Joint Debtor Penny Lynn Wetzel SikiricaLaw@zoominternet.net,
TrusteeSikirica@zoominternet.net
Jeffrey J. Sikirica on behalf of Debtor David Matthew Wetzel SikiricaLaw@zoominternet.net,
TrusteeSikirica@zoominternet.net
Jill Locnikar on behalf of Creditor United States of America Department of the Treasury,
Internal Revenue Service jill.locnikar@usdoj.gov,
patricia.fitzgerald@usdoj.gov;deborah.verrilla@usdoj.gov;caseview.ecf@usdoj.gov
Mario J. Hanyon on behalf of Creditor Wilmington Savings Fund Society, FSB, As Trustee, et.
al. pawb@fedphe.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Pamela J. Wilson pwilson@epiqtrustee.com, pwilson@ecf.epiqsystems.com
Robert C. Edmundson on behalf of Creditor Office of Attorney General Department of Revenue
redmundson@attorneygeneral.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Thomas Song on behalf of Creditor Wilmington Savings Fund Society, FSB, As Trustee, et. al.
pawb@fedphe.com

TOTAL: 12